

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|--------------------------------------|---|--------------------------|
| RAYMOND JACKSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:06-CV-995 DDN |
| |) | |
| JOHN DOE #1, POLICE OFFICER, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court upon Raymond Jackson's motion for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a).

Although plaintiff has filed a motion for leave to proceed in forma pauperis, he has not submitted a properly certified copy of his prisoner account statement. Pursuant to 28 U.S.C. § 1915(a)(2), "[a] prisoner seeking to bring a civil action . . . without payment of fees . . . shall submit a certified copy of the trust fund account statement . . . obtained from the appropriate prison official." Because the plaintiff is within the custody of the Missouri Department of Corrections, he is a prisoner within the meaning of the Act. See 28 U.S.C. § 1915(h). Therefore, the Court will order plaintiff to submit a properly certified copy of his inmate trust fund account statement in order to be granted leave to proceed without payment of the filing fee.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #1] is **HELD IN ABEYANCE**.

IT IS FURTHER ORDERED that plaintiff shall file a certified copy of his inmate trust fund account statement for the six month period immediately preceding the filing of his complaint on June 28, 2006.

IT IS FURTHER ORDERED that if applicant fails to submit a certified copy of his inmate trust fund account statement within thirty (30) days, the Court will dismiss this action without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that if plaintiff submits his inmate trust fund account statement within thirty days, the Clerk shall resubmit this action for review under 28 U.S.C. § 1915.

A handwritten signature in cursive script, reading "David D. Noce". The signature is written in dark ink and is positioned above a horizontal line.

DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE

Signed on July 13, 2006.